

Sweet, J

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w,
SALLY FONNER, and
JAMES SMITH, M.D.

Plaintiffs

-against-

MERCATUS & PARTNERS, LTD.,
MF GLOBAL, INC., MF GLOBAL, UK, Ltd.,
CARI MASI a/k/a CARY MASI
BNP PARIBAS SECURITIES SERVICES,
BANCA MB S.p.A.,
DWIGHT PARSCALE,
STEPHANO CEVALO,
CONTINENTAL STOCK TRANSFER AND TRUST
COMPANY,
PENSON FINANCIAL SERVICES, INC., AND
BROWN BROTHERS HARRIMAN & CO.,

Defendants.

CIVIL ACTION
NUMBER

07 CV 11493 (RWS)

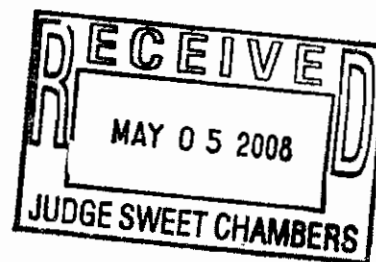
NOTICE OF
DISMISSAL
WITHOUT
PREJUDICE
Fed.R.C.P.
41(a)(1)(A)(i)

PLEASE TAKE NOTICE:

Plaintiffs, Axion Power International, Inc., William and Tracy Ahearn, h/w, Sally Fonner, and James Smith, M.D., dismiss, without prejudice, the action as to Defendant, Brown Brothers Harriman & Co., pursuant to Fed.R.C.P. 41(a)(1)(A)(i).

Respectfully submitted,


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SO ORDERED:

Dated: May 2, 2008

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U.S.D.J.

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